

ORIGINAL

LAW OFFICES

CATALANO & PLACHE, PLLC
3221 M STREET, N.W.
WASHINGTON, D.C. 20007

EX PARTE OR LATE FILED

ORIGINAL

TELEPHONE (202) 338-3200
TELECOPIER (202) 338-1700

January 19, 2000

Magalie R. Salas, Secretary
Federal Communications Commission
445-12th Street, S.W.
Washington, D.C. 20554

RECEIVED
JAN 19 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Presentation; WT Docket No.96-86

Dear Ms. Salas:

In accordance with Section 1.1206(b)(2) of the Commission's Rules, please be advised that Steve Beeferman of DATARADIO Corporation ("DATARADIO"), together with the undersigned counsel, met with Commissioner Harold Furchtgott-Roth and Bryan Tramont of his staff to discuss the "Emergency Petition For Waiver" of Section 90.457 of the Commission's Rules filed by DATARADIO on December 20, 1999.

That Rule requires that public safety radios operating in the 700 MHz band "must be capable of operating on any of the designated nationwide narrowband interoperability channels." The Public Safety National Coordination Committee is now in the process of developing interoperability standards. It is DATARADIO's position that this process will take years and that unless the rule is waived the entire narrowband 700 MHz public safety allocation, including the general use channels, will be "held hostage" until these standards are adopted and approved by the Commission in WT Docket No. 96-86.

The presentation covered the points raised in the summary of the Petition (see Attachment hereto). DATARADIO also provided a copy of the attached public safety newsletter. In addition, DATARADIO urged that its Petition be place on Public Notice on an expedited basis.

Please call the undersigned if you have any questions.

Sincerely,



Albert J. Catalano

CC: Commissioner Furchtgott-Roth
Bryan Tramont

No. of Copies rec'd 071
List A B C D E

ATTACHMENT

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)	
)	
DATARADIO)	"Waiver--Expedited Action Requested"
Emergency Petition For Waiver)	
of Section 90.547 of the Commission's)	
Rules)	
)	
)	

To: The Commission

Emergency Petition For Waiver

Respectfully submitted,
Dataradio Corporation

By:

Albert J. Catalano
CATALANO & PLACHE, PLLC
3221 M Street, N.W.
Washington, D.C. 20007
(202) 338-3200

ITS ATTORNEYS

Date: December 20, 1999

Table of Contents

Summary.....	1
Introduction	1
I. As A World Leader In State-of-Art Data Systems, Dataradio Has An Interest In Providing 700 MHz Data-Only Radios To Meet Critical And Immediate Spectrum Needs Of The Public Safety Community.....	3
II. There Is An Immediate And Critical Need For Public Safety Users To Operate Narrowband Data Systems Equipped With General Use Channels.....	5
A. The Final Report Of The Public Safety Wireless Advisory Committee.....	6
B. The Commission Has A Congressional Mandate To Assign The 700 MHz Public Safety Spectrum Immediately.....	8
III. Section 90.547 Of The Rules Must Be Waived Pending The Adoption Of Interoperability Standards So That Equipment Can Be Manufactured And General Use Channels Assigned Pursuant To Regional Plans.....	9
Conclusion.....	14

Summary

Dataradio Corporation, a part of the Dataradio Group of Companies (DATARADIO), by its attorneys, hereby files this Emergency Petition For Waiver of Section 90.547 of the Commission's Rules (47 C.F.R. § 90.547). This rule requires that all narrowband mobile and portable public safety radios operating in the 700 MHz band "must be capable of operating on any of the designated nationwide narrowband interoperability channels." However, interoperability standards will not be developed by the Public Safety National Coordination Committee ("NCC") and ultimately approved by the Commission for *years*. During this time period, it will be impossible for narrowband public safety radios to be manufactured to comply with a non-existent standard. As a consequence, "general use" channels in critical demand in many markets will be "held hostage" by the lengthy consideration of technical standards for the interoperability channels, which comprise only *ten percent* of the 700 MHz public safety allocation.

DATARADIO has the technology and resources to *immediately* manufacture and market state-of-the-art data-only narrowband radios operating in the 700 MHz spectrum for use by public safety users. However, unless the Commission waives Section 90.547, manufacturers, such as DATARADIO, are prevented from marketing technologically advanced narrowband equipment to meet the immediate spectrum requirements of the public safety community that can be satisfied on the general use channels.

The shortage of spectrum for public safety users and the immediate need to access state-of-the-art data equipment by these entities is well documented. Recognizing the immediate and critical needs of the public safety community, Congress mandated the reallocation of 24 MHz of 700 MHz broadcast spectrum (TV channels 60-69) for public

safety use. Congress further mandated that the *assignment* of this spectrum commence by September, 1998, over one year ago. In light of the Congressional mandate, the Commission adopted service rules for the newly allocated 700 MHz public safety spectrum "in order to commence licensing expeditiously." To date, not a single public safety 700 MHz narrowband assignment has taken place.

Unless Section 90.547 is waived, it will be *years* before 1) narrowband equipment can be manufacture and certified; 2) Regional Plans for the general use channels are developed; and 3) any assignments of narrowband spectrum can take place. Under these circumstances, the continuing application of this rule is contrary to the Congressional mandate to commence licensing immediately. The rule also fails to advance the Commission's own policy objective of balancing the immediate needs of the public safety community that can be satisfied on the general use channels with the need for interoperability.

DATARADIO believes that it will be a great national tragedy if even a single police officer is killed in the line of duty or one firefighter or civilian is trapped in a burning building because of an unnecessary restriction on manufacturers which denies state-of-the-art equipment to the public safety community. Therefore, DATADRADIO requests that the Commission take into account the emergency nature of this request and grant this waiver on an expedited basis.

The continued application of Section 90.547 thwarts the Congressional intent of immediate licensing assignments and fails to further any Commission policy objective. Accordingly, an emergency waiver, until final interoperability standards are approved, is in the public interest under Section 1.925 of the Rules (47 C.F.R. § 1.925) and relevant case law.

DISPATCH

More
Mag. 13th
Year!

November 1999

Version 13.11

Published by Allen Media

"Just For Dispatchers...and TCS!"

President Clinton Signs Bill To Make 911 Official

It's official—911 is America's emergency telephone number.

After winding its way through six months of legislative hallways, President Clinton signed S.B. 800 to make 911 the nationwide emergency telephone, provide liability protection for wireless carriers who handle 911 calls, and sets out when location information can be released.

Although making 911 was seemingly a slam-dunk, the bill also contained more controversial and broader provisions intended to create a nationwide communications network, slanted to making rural highways safer.

The bill was first introduced in the Senate last April, co-sponsored by Sen. Conrad Burns (R-Mont.) and Sen. Kent Conrad (D-ND). It followed the standard path of legislation: from the Senate floor to Senate committee, back to the Senate for passage, then over to the House, where the process was repeated. The bill was passed by the House 424-2 on Oct. 13 and forwarded to the White House where, without ceremony, he signed the legislation on Oct. 26.

Only Rep. Helen Chenoweth (R-Id.) and Rep. Ron Paul (R-Tex.) voted against the bill.

Upon signing the bill, Clinton acknowledged the bill's supporters from Congress, public safety agencies, the wireless industry and medical profession. "By making it easier to use wireless phones to report emergencies, this bill could save thousands of lives every year," the President said. "People

with wireless phones can speed the delivery of public safety services by providing rapid reports of car crashes, incidents of aggressive or drunk driving, serious crimes and natural disasters."

Federal Communications Commission (FCC) chair William Kennard congratulated Congress for passing bill and said it clarified important liability and privacy issues. "America will be a safer place because this legislation helps ensure that wireless and wireline callers who dial 911 will receive emergency assistance," Kennard said. "This is an important step forward in the implementation of universal and enhanced 911."

His remarks were echoed by the Cellular Telecommunications Industry Association (CTIA), which represents wireless carriers. Tom Wheeler, president of the group, said, "An entire nation will benefit from vastly improved emergency safety systems. This bill

Continued on page 6

DISPATCH Monthly Visits England's Comm Centers

by Alan Burton

When I went to England, I intended to look up a few friends, visit a few comm centres, and inspect a few castles, probably in that order. The friends were all friends that I knew but just had never met. We seem to have a lot of friends and friendships like that, and it's grand meeting an old friend for the first time. (*Gee, you look different from how I pictured you!*)

So what did I learn from this *Trek Across the Pond*? In spite of the fact that people drive on the wrong side of the road, speak a different brand of English, and spell "center" wrong, it is apparent to me that public safety dispatching in the U.K. is no different from anything we do in the U.S. They have the same personnel problems, the same operational and technical issues, and the same challenges.

Their dispatch centres operate the same, often with the same or similar equipment. Their controllers (*and I admit that I prefer that term over our "telecommunicator"*) work the same, are trained the same, and are every bit just as professional as those anywhere else. Perhaps the major difference is that they are not always paid the same. Pity.

Continued on page 4



DISPATCH Magazine
"Just for Dispatchers!"
P.O. Box 8387
Berkeley, CA 94707

Contact us at:

editor@DispatchMonthly.com
business@DispatchMonthly.com

Visit us at:

www.911Dispatch.com



*****AUTOMALL FOR ADC 30197 S3 P5
ACCOUNT#11568 LAST ISSUE 8/2000
DATARADIO NOV 23 1999
STEVEN BEEFERMAN
6160 PEACHTREE DUNWOODY RD NE STE C
ATLANTA GA 30328-4578

Bulk Rate
U.S. Postage
PAID
Medford, OR
Permit 125

Training Leads to Success In Handling Incidents

To be prepared is to train.

That's not just a slogan for two trainees who attended recent PowerPhone classes, then found themselves using their education just days later to handle an incident.

In the first case dispatcher Scott Chamberlain of the Lake in the Hills (Ill.) police department took a two-day PowerPhone class about handling suicidal callers on a Monday and Tuesday.

On Wednesday, he fielded a call from a minister who said a suicidal woman had called him. With just the telephone number, Chamberlain tracked down the woman's name and address and dispatched officers to her address.

He then called the woman and spent 30 minutes talking to her until officers could take over the situation. "With the training I received from you things became almost automatic on how to talk to her," Chamberlain said in a "thank you" letter to PowerPhone.

In the second case, Sr. dispatcher Robert Mueller of the town of Hamburg (NY) took a PowerPhone class on handling domestic violence incidents. Part of that training included how to handle hang-up 911 calls. "Your comments made me revisit the policy, and discuss it with our police chief," Mueller said.

Within two weeks he had helped draft a policy change to dispatch officers to every 911 hang-up to insure there was no problem.

Just over a week later, dispatchers fielded a 911 hang-up call from a resident, called back the number and spoke to a female who said her child was playing with the telephone, but that everything was OK. Dispatchers researched the address and found no previous incidents.

In fact, when the investigating officer arrived, a male came to the front door and said the same thing—everything was OK. But the officer then no-

ticed the man drop a bloody towel and noticed he'd been cut on the shoulder.

Officers found the inside of the house trashed and ended up arresting the man. "I wanted to thank you for your excellent presentation," Mueller wrote to PowerPhone, "and advise you of the difference it made in how our agency is handling one aspect of potential domestic violence cases."

How Much Does the FCC Hate Public Safety?

by Peter Szerlag

Caution—all thoughts and opinions are packaged in volume - some settling may have occurred (to the aft). Does the FCC hate all public safety agencies in a major way? Well, let's look at the "factoids"—

1. The 800 MHz radio bands were opened in 1980. Many of these were apparently bought up by speculators and never put to use.
2. The FCC has allowed NEXTEL to infest the 851 to 855 MHz band thereby causing interference to public safety users, and also causing a huge shortage of available radio frequencies for business and public safety users.
3. The FCC neglected to initially take the common sense step of splitting the 453 MHz and 460 MHz bands, thereby creating a huge shortage of UHF frequencies in urban areas. The major radio companies therewith began chanting: "trunked- trunked - trunked".
4. In the early 1990s, the FCC furthered its assault on the public safety users remaining on the 150 MHz band by requiring them to use lower and lower power levels.
5. The FCC has now frozen the 700 MHz band for 4 years and refuses to force the TV industry to understand that over-the-air broadcasting is dead, dead!

6. If the FCC did 1 second of research on the problems of public safety users, they would immediately commit \$1 million to eliminating doubling.
7. Coded squelch systems are not used by the trunked radio systems now operating. Therefore, as soon as the implementation of trunked radio moves to the suburbs, massive failures will be experienced when skip conditions occur.
8. Add this all up and you will see why the public safety radio systems in the USA are so fragmented and disastrously ineffective.

Letter To The Editor

Dear Editor,

In your August, 1999 edition of DISPATCH you published an article titled "Illinois' First Digital Radio Slated For NW Central." In the article you suggest that the Motorola system recently ordered by Northwest Central Dispatch will be the first digital radio system in Illinois. I believe you will find this statement to be in error.

The Illinois State Police have been operating an Ericsson EDACS system in the Chicago area for several years. The State Police system is fully digital capable, and supports both analog and digital users simultaneously. The system consists of two simulcast systems connected in a multisite configuration. It provides coverage throughout Cook County and Du Page County.

In addition, earlier this year Lake County (Ill.) ordered a countywide EDACS simulcast system that will provide digital communications to the Lake County Sheriff's police and other agencies within the county. This order with Ericsson also predates the Northwest Central order.

Dave Adolf,
District Sales Manager
Ericsson
West Chicago, IL